

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI
EASTERN DIVISION

RANDY and ANITA SHAFFER

PLAINTIFFS

VS.

No. 1:03CV266-D-D

PALM HARBOR HOMES, INC., et al.

DEFENDANTS

ORDER DENYING IN PART AND GRANTING IN PART MOTION TO DISMISS
AND DENYING MOTION TO STRIKE

Pursuant to an opinion issued this day, it is hereby ORDERED that

- (1) the Defendant's motion to dismiss (docket entry 27) is DENIED IN PART and GRANTED IN PART;
- (2) the Defendant's motion is GRANTED as to the Plaintiffs' breach of warranty/contract claims;
- (3) the Defendant's motion is GRANTED as to the Plaintiffs' fraud claim;
- (4) the Defendant's motion is GRANTED as to the Plaintiffs' claim of negligence based on events occurring between August 1996 and April 2000;
- (5) the Defendant's motion is DENIED as to the Plaintiff's claim of negligence to the extent it is based on events occurring from and after May 2000;
- (6) the Defendant's motion to strike Plaintiffs' response to the motion to dismiss (docket entry 37) is DENIED;
- (7) the Defendants' joint motion to strike Plaintiffs' designation of experts (docket entry 30) is DENIED; and
- (8) the Plaintiffs' remaining claims may proceed.

SO ORDERED, this April 25, 2005.

/s/ Glen H. Davidson
Chief Judge